

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 28, 2011

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JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 28, 2011

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Sandy Salmon, who sang “Blessed Assurance”. She was the guest of Senator Dix.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Thursday, February 24, 2011, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 24, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 11, a concurrent resolution relating to Pioneer Lawmakers.

Read first time and referred to committee on **Rules and Administration**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 280 and 300** be referred from the Regular Calendar to the committee on **Ways and Means**; and that **Senate File 301** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 9:00 a.m., Tuesday, March 1, 2011.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 1, 2011, 10:15 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Budget presentation by LSA.

Adjourned: 10:55 a.m.

ALSO:

Convened: Wednesday, February 2, 2011, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentations on Medicaid.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, February 3, 2011, 10:15 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckcom.

Members Absent: None.

Committee Business: Discussion of the mental health system.

Adjourned: 11:25 a.m.

ALSO:

Convened: Tuesday, February 8, 2011, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckcom.

Members Absent: None.

Committee Business: Presentations by the Iowa Insurance Division and the Department of Public Health.

Adjourned: 11:30 a.m.

ALSO:

Convened: Wednesday, February 9, 2011, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckcom.

Members Absent: None.

Committee Business: Presentations on the Department of Human Services reorganization, child care issues, and TANF.

Adjourned: 11:15 a.m.

ALSO:

Convened: Thursday, February 10, 2011, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckcom.

Members Absent: None.

Committee Business: Presentations on IowaCare.

Adjourned: 11:30 a.m.

ALSO:

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: Hatch, Chair (excused).

Committee Business: Presentations by the Department on Aging, the Long-term Care Ombudsman's Office, the Iowa Association of Homes and Services for the Aging, and Coon Rapids-area nursing facilities.

Adjourned: 11:35 a.m.

ALSO:

Convened: Thursday, February 17, 2011, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Department of Veterans Affairs, the Iowa Veterans Home, and Veterans Empowerment and Training.

Adjourned: 11:25 a.m.

ALSO:

Convened: Tuesday, February 22, 2011, 10:15 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentations by the Coalition of Family and Children's Services, Boystown, the Department of Human Services, and juvenile courts officers.

Adjourned: 11:40 a.m.

ALSO:

Convened: Wednesday, February 23, 2011, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Legislative Health Care Coverage Commission and the Brain Injury Association.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, February 24, 2011, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Department of Public Health and the Department of Human Services.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 313, by committee on Human Resources, a bill for an act relating to medical assistance program-related provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 314, by committee on Local Government, a bill for an act relating to the procedures to be followed for certain county projects involving the judicial branch.

Read first time under Rule 28 and **placed on calendar**.

Senate File 315, by committee on Local Government, a bill for an act relating to emergency management planning.

Read first time under Rule 28 and **placed on calendar**.

Senate File 316, by Sodders, a bill for an act making an appropriation to the governor's office of drug control policy for the establishment of a grant program for the purchase of a mobile device forensic analysis system.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 317, by Soddors, a bill for an act relating to the examination requirements for an applicant for a noncommercial driver's license.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 318, by Sorenson, a bill for an act relating to jurors acting as finders of facts in a trial as well as judging the law.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 319, by Seng, a bill for an act providing for the possession of cats classified as bengals and savannahs.

Read first time under Rule 28 and referred to committee on **Agriculture**.

Senate File 320, by committee on Agriculture, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Read first time under Rule 28 and **placed on calendar**.

Senate File 321, by committee on Agriculture, a bill for an act relating to wastewater discharges by on-farm processing operations.

Read first time under Rule 28 and **placed on calendar**.

Senate File 322, by McCoy, a bill for an act imposing a surcharge applicable to telecommunications carriers to administer the national federation for the blind newswire.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 323, by McCoy, a bill for an act relating to the criminal or attempted criminal transmission of the human immunodeficiency virus, and providing a penalty.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 324, by Soddors, a bill for an act providing for family disability leave benefits, establishing a task force, and providing penalties.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 325, by committee on Judiciary, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 326, by committee on Judiciary, a bill for an act relating to the appointment of judicial officers and senior judges.

Read first time under Rule 28 and **placed on calendar**.

Senate File 327, by committee on Judiciary, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Read first time under Rule 28 and **placed on calendar**.

Senate File 328, by committee on Education, a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation.

Read first time under Rule 28 and **placed on calendar**.

Senate File 329, by Gronstal, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 330, by Bowman, a bill for an act establishing an annual appropriation to the property tax equity and relief fund and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 331, by Hogg, a bill for an act relating to energy efficiency by providing income tax credits, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 332, by Soddors, a bill for an act relating to the distribution formula used for the juvenile detention home fund.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 333, by Soddors, a bill for an act relating to the provision of absentee ballots to residents or patients of certain health care facilities and hospitals.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 334, by Hogg, a bill for an act relating to potential energy and capacity savings assessments conducted by specified gas and electric public utilities.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 335, by Hogg, a bill for an act relating to the consumer credit code and actions by a creditor against a consumer arising from a consumer credit transaction.

Read first time under Rule 28 and referred to committee on **Judiciary**.

Senate File 336, by Quirnbach, a bill for an act relating to the meetings and actions of the governing boards of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 337, by Soddors, a bill for an act authorizing the establishment of a philanthropy account within a student activity fund.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 338, by Anderson, a bill for an act relating to incentives for wind energy production and development.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 339, by Hancock, a bill for an act increasing the wireless communications surcharge and appropriating surcharge revenue for the establishment of a bandwidth frequency compliance grant program.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 340, by Kapucian, a bill for an act relating to the disposition of revenue derived from the use of automated traffic enforcement systems by cities or counties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 341, by Rielly, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

Read first time under Rule 28 and referred to committee on **Agriculture**.

Senate File 342, by Anderson, a bill for an act providing continuing education opportunities for plumbers, mechanical professionals, and contractors.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 343, by Hatch and Dearden, a bill for an act providing for the restoration of the right to register to vote and to vote and hold elective office for certain persons and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 344, by Black, a bill for an act relating to the duties of the department of human services when serving as a guardian or conservator.

Read first time under Rule 28 and referred to committee on **Human Resources**.

STUDY BILLS RECEIVED

SSB 1163 Education

Relating to the demonstration of proficiency by students receiving competent private instruction for purposes of senior year plus program eligibility.

SSB 1164 Education

Relating to the use of certain revenues resulting from the physical plant and equipment levies and including applicability provisions.

SSB 1165 State Government

Relating to certain forms of gambling, including horse racing, pari-mutuel wagering, gambling games, and intrastate internet poker, creating regulatory and tax structures, and providing penalties.

SSB 1166 Commerce

Relating to charity beer and wine auctions, by authorizing spirits to be included in an auction.

SSB 1167 Commerce

Relating to activities of licensed private investigation businesses in regard to abandoned property.

SSB 1168 Commerce

Relating to residential contractors and providing a penalty.

SSB 1169 Judiciary

Relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

SSB 1170 Economic Growth/Rebuild Iowa

Relating to reciprocal preferences for public improvement contract bidders and including effective date and applicability provisions.

SSB 1171 Human Resources

Relating to quality standards for children in a foster care, preadoption or adoption, or subsidized guardianship placement.

SUBCOMMITTEE ASSIGNMENTS**Senate File 304**
(Reassigned)

COMMERCE: Courtney, Chair; Anderson, Beall, Feenstra, and Schoenjahn

Senate File 305

LOCAL GOVERNMENT: Quirmbach, Chair; Bowman and Ernst

Senate File 307

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

Senate File 310

EDUCATION: Schoenjahn, Chair; Boettger and Wilhelm

Senate File 317

TRANSPORTATION: Rielly, Chair; Danielson and Zaun

Senate File 318

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

Senate File 319

AGRICULTURE: Seng, Chair; Bowman and Hahn

SSB 1163

EDUCATION: Quirmbach, Chair; Bowman and Hamerlinck

SSB 1164

EDUCATION: Quirmbach, Chair; Hamerlinck and Schoenjahn

SSB 1165

STATE GOVERNMENT: Danielson, Chair; Behn and Horn

SSB 1166

COMMERCE: Dandekar, Chair; Anderson and Wilhelm

SSB 1167

COMMERCE: Dandekar, Chair; Anderson and Courtney

SSB 1168

COMMERCE: Dandekar, Chair; Behn and McCoy

SSB 1169

JUDICIARY: Whitver, Chair; Dix and Hancock

SSB 1170

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bacon and Dandekar

SSB 1171

HUMAN RESOURCES: Jochum, Chair; Ragan and Whitver

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: *[SENATE FILE 320](#) (formerly [SF 193](#)), a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 2: Johnson and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on [Senate File 320](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 321](#) (formerly [SF 269](#)), a bill for an act relating to wastewater discharges by on-farm processing operations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 2: Johnson and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on [Senate File 321](#), and they were attached to the committee report.

EDUCATION

Bill Title: *[SENATE FILE 328](#) (formerly [SF 202](#)), a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 328](#), and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 313](#) ([SSB 1100](#)), a bill for an act relating to medical assistance program-related provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Quirnbach, and Whitver. Nays, none. Absent, 2: Dvorsky and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 313](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 325 \(SSB 1121\)](#), a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 326 \(SSB 1010\)](#), a bill for an act relating to the appointment of judicial officers and senior judges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 326](#), and they were attached to the committee report.

ALSO:

Bill Title: [*SENATE FILE 327 \(SSB 1057\)](#), a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 327](#), and they were attached to the committee report.

ALSO:

Bill Title: [HOUSE FILE 245](#) (formerly [HF 63](#)), a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 314 (SSB 1062), a bill for an act relating to the procedures to be followed for certain county projects involving the judicial branch.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Wilhelm, Beall, Bowman, McCoy, Quirmbach, and Schoenjahn. Nays, 4: Bartz, Bacon, Ernst, and Hamerlinck. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on [Senate File 314](#), and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 315 (SSB 1061), a bill for an act relating to emergency management planning.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on [Senate File 315](#), and they were attached to the committee report.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

James Schipper –Superintendent of Banking

David Lingren – Executive Director of the Iowa Telecommunications and Technology Commission

EDUCATION

Michael Knedler – State Board of Education

**GOVERNOR’S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Jason Glass – Director of the Department of Education

HUMAN RESOURCES

Mariannette Miller-Meeks – Director of Public Health

AMENDMENT FILED

S–3039 S.F. 240 Brian Schoenjahn